

RULE AS PRELIMINARILY ADOPTED

TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #99-7

DIGEST

Amends 326 IAC 20-2-1 concerning accidental releases to incorporate by reference the June 20, 1996, final federal rule for chemical accidental release prevention requirements at 40 CFR 68, Subparts A through H, 64 FR 964, and updates the previous incorporation by reference of the list of regulated substances (62 FR 45130, August 25, 1997, and 62 FR 640, January 6, 1998). Effective 30 days after filing with the secretary of state.

HISTORY

Findings and Determination of the Commissioner Pursuant to IC 13-14-9-7, Draft Rule, Notice of Comment Period, and Notice of First Hearing: February 1, 1999, Indiana Register (22 IR 1657).

Date of First Hearing: May 5, 1999.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4, until the board has conducted a third comment period that is at least twenty-one (21) days long.

Because this proposed rule is not substantively different from the draft rule published on February 1, 1999, at 22 IR 1657, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS FROM THE SECOND COMMENT PERIOD

IDEM requested public comment from February 1, 1999, through March 2, 1999, on IDEM's draft rule language. No comments were received during the second comment period.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On May 5, 1999, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of amendments to 326 IAC 20-2-1. No comments were made at the first hearing.

326 IAC 20-2-1

SECTION 1. 326 IAC 20-2-1 IS AMENDED TO READ AS FOLLOWS:

326 IAC 20-2-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) ~~The provisions of This rule apply~~ **applies** to stationary sources ~~which manufacture, process, use, store, or otherwise handle regulated substances that exceed the thresholds established in 40 CFR 68.130, 59 FR 4478*.~~ **that have more than a threshold quantity of a regulated substance in a process as determined under subsection (b).**

(b) The air pollution control board incorporates by reference: ~~59 FR 4478*;~~

(1) 40 CFR 68 Subparts A through H*;

(2) 40 CFR 68, 62 FR 45130 (August 25, 1997)*;

(3) 40 CFR 68, 63 FR 640 (January 6, 1998)*; and

(4) 40 CFR 68, 64 FR 964 (January 6, 1999)*;

~~which establishes general requirements and lists~~ **that establish a list of regulated substances for accidental release prevention programs, and thresholds, and the requirements for owners or operators of stationary sources concerning the prevention of accidental releases,** with the exception of Section ~~68.120(a); 68.120~~ concerning administrator discretion to add or delete listed regulated substances.

*Copies of the Code of Federal Regulations (CFR) and Federal Register (FR) referenced in this ~~article~~ **section** may be obtained from the Government Printing Office, Washington, D.C. ~~20204~~ **20402** or **are available for copying at** the Indiana Department of Environmental Management, Office of Air Management, **Indiana Government Center-North**, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-2-1; filed Nov 1, 1995, 8:30 a.m.: 19 IR 341*)